

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0499

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID W. GUNDERSON,

Defendant and Appellant.

FILED

MAY 14 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION TO SUPPLEMENT THE RECORD WITH EXHIBIT  
DISCUSSED AT ORAL ARGUMENT**

COMES NOW, Sarah Chase Rosario y Naber, counsel of record for Defendant and Appellant David Gunderson, and moves the Court for its consideration of the "Montana Supreme Court Bond Schedule," as redacted, in its consideration of the State's request to revisit its recent holding in *State v. Gaither*.

The undersigned represents that the information redacted is that of misdemeanors, and the remaining felony information has been redacted to leave only the maximum sentence available and the sentencing statute from which it is derived. For the convenience of the Court, the undersigned has highlighted the twenty-eight felonies for which a maximum sentence of 100 years or life imprisonment is authorized.

Assistant Attorney General, Tammy K Plubell was provided a copy of the redacted schedule and indicated she did not object to its submission to the Court.

DATED this 14<sup>th</sup> day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
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By: Joselyn Hunt  
for Sarah Chase Rosario y Naber  
Assistant Appellate Defender

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion to Supplement the Record With Exhibit Discussed At Oral Argument to be  
mailed to:

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DATED: 5/14/2010 Sarah A Brader